MINUTES OF EUREKA CITY COUNCIL EUREKA REDEVELOPMENT AGENCY

APRIL 17, 2007

The City Council/Redevelopment Agency of the City of Eureka met in <u>REGULAR</u> Session on the above date, 5:30 p.m. Closed Session, 6:30 p.m. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

ABSENT: NONE

MINUTES PREPARED BY: COUNCIL APPROVAL ACKNOWLEDGED:

Kathleen L. Franco Simmons Virginia Bass

City Clerk Mayor

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of <u>April 17, 2007</u> .			
SUBJECT: Public comm	ent prior to closed session		
ACTION:			
No one expressed an inter	est in addressing the Council at this time.		
STATE OF CALIFORNIA County of Humboldt City of Eureka)) ss.)		
I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.			
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>		
	KATHLEEN L. FRANCO SIMMONS CITY CLERK		
Originating Dept.	Agenda Item <u>A</u>		

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

- B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
 Name of case: Forster-Gill, a California Corporation, and Scott Dunn v. City of
 Eureka et al., Case No. CV-070218.

 Pursuant to California Government Code Section 54956.9(a)
- C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation: two potential cases.

 Pursuant to California Government Code Section 54956.9(b)
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: City-owned property located at 2186 Tydd Street,

APN's: 002-191-0202 and 002-191-013

Agency negotiator: David W. Tyson for the City of Eureka

Negotiating parties: Strombeck, Nilson, Pierson Under negotiation: Price, terms and conditions.

Pursuant to California Government Code Section 54956.8

E. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Susan Christie for City of Eureka Employee organization: Eureka Police Officers Association (EPOA), Eureka Firefighters' Local #652 (EFL), Eureka City Employees' Association (ECEA), and unrepresented management, mid-management, and confidential employees. *Pursuant to California Government Code Section 54957.6*

Upon reconvening to Open Session, it was announced that there were no final actions to report.

Agenda Item B, C, D, E

ITEM: Closed Session PAGE: 2	
STATE OF CALIFORNIA County of Humboldt City of Eureka)) ss.)
the foregoing to be a true a	SIMMONS, City Clerk of the City of Eureka, do hereby certify and correct copy of the original made in the above entitled matter y as the same now appears of record in my office.
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on April 18, 2007.
	KATHLEEN L. FRANCO SIMMONS CITY CLERK
Originating Dept.	Agenda Item <u>B, C, D, E</u>

MINUTE ORDER

Certified copy of portion of proceed	lings. Meeting of <u>April 17, 2007</u> .
SUBJECT: Invocation	
ACTION:	
Mayor Bass conducted a moment of tragedy.	of silence in respect for the victims in the Virginia Tech
STATE OF CALIFORNIA) County of Humboldt) ss. City of Eureka)	
the foregoing to be a true and correct	NS, City Clerk of the City of Eureka, do hereby certify of copy of the original made in the above entitled matter same now appears of record in my office.
	NESS WHEREOF, I have hereunto set my hand and he seal of the City of Eureka on <u>April 18, 2007.</u>
KATHLI CITY C	EEN L. FRANCO SIMMONS LERK

MINUTE ORDER

Certified copy of portion of	proceedings. Meeting of <u>April 17, 2007</u>	·-
SUBJECT: Mayor's anno	ouncements	
ACTION:		
•	at without objection, Item 24 would be mov gs, prior to public comment.	ed up on the agenda
Mayor Bass extended an a	apology with regard to her use of a cellpho	one while driving.
Mayor Bass presented a p	roclamation for "Veterans Appreciation M	onth" May 2007.
STATE OF CALIFORNIA County of Humboldt City of Eureka)) SS.)	
the foregoing to be a true a	SIMMONS, City Clerk of the City of Eurond correct copy of the original made in the cy as the same now appears of record in	above entitled matter
	IN WITNESS WHEREOF, I have hereur affixed the seal of the City of Eureka on	•
	KATHLEEN L. FRANCO SIMMONS CITY CLERK	
Originating Dept.		Agenda Item M/A

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Council reports / City-related travel report

ACTION:

Councilmember Leonard extended words of appreciation to The Eureka Reporter for an article relating to the skatepark, and to Greenhouse Board Shop for a fantastic fundraiser for the Eureka skatepark.

Councilmember Leonard provided information regarding earlier recommendations of the Council Subcommittee on Boards and Commissions for a proposed Transportation Management Committee and a proposed Public Safety Advisory Board. By consensus, Council expressed their support for moving forward with these recommendations, and to include a pedestrian safety element.

Councilmember Kerrigan provided information regarding a petition signed by over one hundred households asking the city to address pedestrian safety issues at the Harris and "K" intersection. Without objection, Councilmember Kerrigan requested staff to bring back a report on the Harris and "K" Street intersection for consideration during budget time detailing options for potential remedies for slowing traffic on Harris and making safety improvements.

Councilmember Kerrigan announced that the report on street trees from Michele McKeegan of Keep Eureka Beautiful will be presented later with Item 22.

Councilmember Glass provided information regarding a Transient, Street Crime, Slum-lords Task Force made up of the following individuals who have agreed to serve on it with him: Tim Flemming, Greg Pierson, Lance Madsen, Mel McKinney, Howard Rien, Lisa Ollivier, and Kathy Anderson.

Agenda Item C/R

MINUTE ORDER, APRIL 1 ITEM: Council Reports PAGE: 2	17, 2007
STATE OF CALIFORNIA	1
County of Humboldt)) ss.
City of Eureka) 35.)
Oity of Edicka	,
the foregoing to be a true a	SIMMONS, City Clerk of the City of Eureka, do hereby certify nd correct copy of the original made in the above entitled matter by as the same now appears of record in my office.
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>
	KATHLEEN L. FRANCO SIMMONS CITY CLERK
Originating Dept.	Agenda Item <u>C/R</u>

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Public hearing - Public Hearing - Unmet transit needs.

ACTION:

Finance Office Manager Sanna Woods provided a report. The public hearing regarding unmet transit needs within Eureka city limits was opened at 6:59 p.m. The following individuals addressed the Council regarding this matter:

Joyce Hayes, Executive Director- Humboldt Senior Resource Center, stated that she was here to represent the seniors and others in the community who don't have transportation to come out at night to address this issue. She stated that they find that transportation needs are one of the most expressed concerns of seniors in this community. She stated that this community will be changing in the next few years, and will have a much increased, older, adult population, who will need to depend on a good transportation system. She offered her assistance to work with the city in the coming years to look at the system in place, to make it a model for other communities, and to help the older population as they grow. She stated that in addition to better basic transportation in the community, one of the areas that is also identified is transportation over the weekend. She stated that many are able to get around during the week, but are stuck in their homes from Friday night until Monday. She stated that this is not the way that we should be offering services to keep people active and engaged in the community.

Nancy Myers, Eureka, stated that she spends a lot of time at the Senior Resource Center and that Dial-a-ride is expensive, while the bus service is inconvenient. She stated that she must go around the entire circuit to complete the loop from home to the Senior Center and back home again. She stated that the bus stops are not convenient to someone like her, who has breathing and energy problems, is diabetic, and is arthritic in both hips. She stated that it is two-and-a-half blocks to the Gold Route, and one-and-a-half blocks to the Green Route from her residence. She stated that a car is her only reasonable alternative to that, and is also the only way she can move heavy items or a lot of items. She stated that it is the only way she can get together with friends and co-religionists. She stated that gas prices have increased \$2.00 per gallon since 1998 and that she doesn't see any action in the city, county or state to put any weight behind alternative fuels and alternative engines. She stated that methane, natural gas and solar powered electricity are several alternative fuels that are not being considered.

ITEM: 1 PAGE: 2

Public Hearing (continued):

Richard Tollison, Eureka, stated that he uses the bus once in a while to go to appointments and go to other general things. He stated that he will be 57 years old this year and that he has to walk all the way over to "H" Street. He stated that if he has an appointment on Harrison Avenue and doesn't want to walk, and if he has the money, he has to go downtown to take the Purple Route all the way to Harrison and Buhne to get to his appointment. He stated that to get home, he has to go all the way down to the Bayshore Mall and back up Harris Street, catch the Purple Route, and go out to Harrison Avenue. He stated that he has to do the same kind of route to get to his doctor on Buhne.

The public hearing was closed at 7:11 p.m.

Council directed staff to forward a transcript of comments to the Humboldt County Association of Governments (HCAOG) for inclusion in the 2007-2008 Unmet Needs Report of Findings.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on April 18, 2007.

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Finance Director

COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Public hearing - Osier Side Yard Setback Variance; 1790 County Lane;

APN 006-073-024; Appeal of action of the Planning Commission to deny the requested variance for construction of a garage with a 3-foot side yard

setback (V-06-0017).

ACTION:

Community Development Director Kevin Hamblin provided a report. The public hearing was opened at 7:31 p.m. The following individuals addressed the Council regarding this matter:

James Osier, appellant, stated that he has been a resident of Eureka for 38 years and has lived on County Lane for approximately 30 years. He described the plan for a variance to the city's setback ordinance in order to increase the square footage of his proposed garage. He stated that he purchased the 1790 County Lane property in 2005 because his current home at 1770 lacks the space to build a garage. He stated that at least three adjacent property owners who are in favor of the proposal are present, and that he has approximately seven letters in support from others in the neighborhood. He stated that the Planning Commission deadlocked on the approval and that he was advised to bring the issue to the City Council. He stated that County Lane is a very narrow street, that two-way traffic has a difficult time, and that his proposed garage will reduce street parking. He submitted a computer-generated picture showing the proposed garage, and stated that he chose the design to blend with other one-story houses on the block and with the design of the existing house. He stated that without a variance, his other option would be to build a second story to get the same square footage over the amount of square footage that he would like to have. He stated that he asked for a waiver on the fee because he feels that the Planning Commission couldn't make a decision due to the lack of members as one member had to decline from the decision as he is a co-worker.

ITEM: 2 PAGE: 2

Stephen Avis, Eureka, member of Planning Commission, stated that there are different ways of addressing the matter of special privilege, and explained that city staff looked at the fact that a non-conforming structure on the property pre-existed zoning standards, and that there were other non-conforming structures in the area at the same time. He stated that it wasn't unrealistic to look at that and consider that by continuing that, they would not be granting special privilege. He stated that the majority of the Planning Commission viewed special privilege in a different way. He stated that the zoning code calls for two parking spaces, one of which must be covered on each property. He stated that this house was built with a single-car garage, and even though it was converted many years ago into part of the living space, there was still sufficient space on both sides of the house to build a replacement garage of the same size. He stated that the property itself does not provide any physical defects or abnormalities that makes it impossible to rebuild the garage. He stated that one of the basics in granting a variance is that for side-setbacks, there should be something unusual about the property such as a steep ravine, large boulder or heritage tree, or things of that nature that make it impossible to stay within the adherence of law without severe handicap or hardship. He stated that this parcel is 680 square feet larger than a normal parcel in this area would be. He stated that to approve a setback under those conditions would be a granting of special privilege. He stated that a second point concerned the stated rationale for encroaching the side yard, to be large enough to contain a sailboat and a car. He stated that the commission does not have a problem with providing a garage for automobiles, but that they don't know that parking for boats is part of why the city requires covered parking. He stated that they didn't know if the city would be in a position to grant a variance for that type of parking. He stated that a third matter of special privilege concerned the size of the structure related to the needs of most homeowners in the area. He stated that the size of the single-car garage is listed as 604 square feet, nearly half the size of the entire house, whereas a typical one-car garage is 12' by 24' or 288 square feet, less than half of the proposed garage. He stated that the commission didn't feel it was appropriate for the city to step in to grant a variance in order to accomplish that end.

Gary Todoroff, neighbor, stated that County Lane on which he has lived for about twenty years, is a unique and very small street with a lot of student traffic on it. He stated that anything that can be done to alleviate traffic and parked cars that congest the traffic far supersedes any planning commission concern about potential use of a structure. He stated that the Osiers have been leaders on that street in bringing much of the housing up to a higher standard than it was twenty years ago, and have set the example for many families that have moved in there and cleaned up the place with nicely structured houses and remodeling. He stated that everything he has watched Jim do over the years has improved the property, and that he believes this improvement is one that should be approved as well, as it will improve County Lane and allow less congestion on the street.

ITEM: 2 PAGE: 3

Ron Kuhnel, Eureka, Chair of Planning Commission, stated that the planning commission did come to a decision following an initial tie vote and subsequent discussion that ultimately led to them to vote to deny the application. He stated that the issue really related around the boat, as the application states that the purpose of building the over-sized garage is solely to store the boat. He stated that the planning commission is very concerned about starting down a slippery slope, that every time someone wants to store a boat or motor home or other large object and the street is undersized, we will have a precedence that these variances will be granted.

Sheryll Baer, neighbor, stated that she would like to urge support for building the garage. She stated that they have made great improvements there, and that anyone who has ever walked on County Lane knows that the cars are parked on the sidewalks on both sides because there isn't room in the driveways. She stated that she could really understand the Osiers wanting to get their sailboat that's been blocking their parking space into the building just as any one in Humboldt County would. She stated that she thinks that the improvement would be better with the variance making it wider than if they were to be forced to make it narrower and then see the other building peeking out the extra two feet behind it. She stated that would end up looking like another "scabbed on" building, as opposed to this plan which is much better looking from the front, and would be a big improvement on the property.

Will Saltikoff, neighbor, stated that the Osier's proposed variance isn't going to be infringing upon anybody in that area, and would not call for that much special treatment. He stated that if allowed to be completed, it would look pretty good in the neighborhood. He stated that he lives kitty-corner across from the Osiers and that they are very good neighbors.

Richard Tollison, Eureka, stated that he walked down the lane and that the cars parked on the sidewalk forced him to walk around them on the street because there was not enough room for a pedestrian to walk. He stated that he noticed the sailboat in the driveway and a car, and that he thinks that this is going to improve it.

The public hearing was closed at 7:50 p.m.

A motion was made by Councilmember ENDERT, seconded by Councilmember LEONARD, to adopt the Findings of Fact in Exhibit A, and overturn the March 12, 2007 action of the Planning Commission and uphold the appeal of the side yard setback variance. During discussion, City Attorney Sheryl Schaffner requested a five-minute break. Without objection, the council took a five-minute break and reconvened with all present. Following the break, Councilmember Endert withdrew the motion, accepted by the maker of the second. Councilmember Endert recused herself, due to a possible conflict of interest relating to the proximity of her residence to the subject property, and left the room.

ITEM: 2 PAGE: 4

On motion by Councilmember LEONARD, seconded by Councilmember GLASS, and the following vote, the council took action to adopt the Findings of Fact in Exhibit A, and overturn the March 12, 2007 action of the Planning Commission and uphold the appeal of the side yard setback variance.

AYES: GLASS, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: ENDERT (recused)

ABSTAIN: NONE

Following the above Council action, Councilmember Endert returned to the room and took her seat at the dais.

STATE OF CALIFORNIA)
County of Humboldt) ss
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Community Development Director Agenda Item 2

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Public hearing - Bigger Mills Act application.

ACTION:

Community Development Director Kevin Hamblin provided a report. The public hearing was opened at 8:06 p.m. No one expressed an interest in addressing the Council regarding this subject matter. The public hearing was closed at 8:06 p.m.

Council adopted Resolution No. 2007-14 authorizing the City Manager, on behalf of the City, to enter into a Mills Act contract with David and Jessica Bigger.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember ENDERT, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)	
County of Humboldt) s	s
City of Eureka)	

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on April 18, 2007.

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Community Development Director

MINUTE ORDER

Certified cop	y of portion of	proceedings. Meeting of April 17, 2007.
SUBJECT:	Report on Re 2007.	esidential Recovery Facilities Conference attended in March
ACTION:		
Item 24 was	taken out of c	order and heard at this time (see item 24).
STATE OF C County of Hu City of Eurek))ss.)
the foregoing	to be a true a	O SIMMONS, City Clerk of the City of Eureka, do hereby certify nd correct copy of the original made in the above entitled matter cy as the same now appears of record in my office.
		IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>
		KATHLEEN L. FRANCO SIMMONS CITY CLERK

Agenda Item 24

Originating Dept. City Manager

MINUTE ORDER

WINOTE ONDER
Certified copy of portion of proceedings. Meeting of <u>April 17, 2007</u> .
SUBJECT: Public comment period
ACTION:
ACTION.
The following individuals addressed the council at this time:
Richard Tollison, requested to pull item 12 from the Consent Calendar.
Tara Sanders, Eureka, spoke regarding a recent fatal traffic accident on "H" Street and the issue of speeding on "H" and "I" Streets.
Nancy Myers, Eureka, spoke regarding concerns about seismic issues.
Kaye Strickland, Eureka, spoke regarding traffic and bicycle safety issues.
Bill Hole, Eureka, spoke regarding traffic issues on Dolbeer Street.
Linda Benko, Cutten spoke regarding dangerous traffic conditions on Walnut, and near Arctic Circle. She also spoke regarding the balloon track and the need for housing for older and disabled people.
STATE OF CALIFORNIA) County of Humboldt) ss. City of Eureka)
I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>
KATHLEEN L. FRANCO SIMMONS CITY CLERK

Agenda Item 4

Originating Dept.

MINUTE ORDER

Certified cop	y of portion	of proceedin	gs. Meeting of	April 17, 2007.
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SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular and special Council/Agency meeting minutes of April 3, 2007 as submitted.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. City Clerk Agenda Item <u>5</u>

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of <u>April 17, 2007</u> .			
SUBJECT: Claim for damages of Dow, Jennifer.			
ACTION:			
Council rejected the claim of Dow, Jennifer.			
Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:			
AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE ABSENT: NONE ABSTAIN: NONE			
STATE OF CALIFORNIA) County of Humboldt) ss. City of Eureka)			
I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.			
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KATHLEEN L. FRANCO SIMMONS CITY CLERK			
Originating Dept. City Attorney Agenda Item 6			

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Mayor's appointments to boards, commissions and committees.

ACTION:

Council approved the Mayor's appointments and re-appointments to commissions with the following term expiration dates:

Open Space, Parks & Recreation	Commission: Stephanie Lane	01/01/2011
Parking Place Commission:	David Colon	01/01/2010
Parking Place Commission:	Emmit Bill Enos	01/01/2010
Parking Place Commission:	Rahi Miraie	01/01/2011
Parking Place Commission:	Robert R. Jones	01/01/2011

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on April 18, 2007.

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Mayor Agenda Item 7

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Tri-County Independent Living Inc. Assistive Technology Expo & Disability Fair.

ACTION:

Council waived Adorni Center building and use fees for the fourth annual A.T. (Assistive Technology) Expo & Disability Fair to be held October 5, 2007.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. City Manager

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Humboldt Sponsors Grant Award.

ACTION:

Council took action to accept \$3,500 in grant awards from the Humboldt Sponsors Organization in support of the Recreation Division's 2007 Summer Programs for Youth.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

Originating Dept.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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KATHLEEN L. FRANCO SIMMONS CITY CLERK

Assistant City Manager-Operations

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Third quarter FY 06/07 Investment Report for the City of Eureka and Eureka Redevelopment Agency.

ACTION:

Council took action to receive and file the Quarterly Investment Report from January through March 2007 for the City of Eureka and the Eureka Redevelopment Agency.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE

ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Finance Director Agenda Item_10

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: 2007 Investment Report and policy update.

ACTION:

Council took action to receive and file the 2007 investment report, and adopted the Investment Policy for the City of Eureka, the Eureka Redevelopment Agency, and the Eureka Public Financing Authority

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Finance Director Agenda Item 11

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Authorization to purchase two pickup trucks for use by Police Service Officers.

ACTION:

Police Chief Garr Nielsen provided a report. The following individuals addressed the council regarding this subject matter:

Richard Tollison Melvin McKinney

Council approved a request to appropriate funds from Traffic Offenders funds to purchase two pickup trucks for use by Eureka Police Department Police Service Officers.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Chief of Police Agenda Item 12

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Account transfer from Special Fire revenues to Fire Suppression Overtime and Capital Equipment accounts.

ACTION:

Council authorized the transfer of reimbursements from "Assistance by Hire" services provided by Eureka Fire this past summer to the OES Fire and Rescue Branch of the State of California into the Fire Department's Suppression Program, "Overtime" and "Capital Equipment" accounts.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Fire Chief Agenda Item 13

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Ryan Slough Pump Station Improvements, Bid No. 2007-07.

ACTION:

City of Eureka

Council took action to accept this project and authorize the filing of a 'Notice of Completion' at the Office of the County Recorder.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. City Engineer Agenda Item 14

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Jacobs Ave. Lift Stations Drywell Conversion Project, Bid No. 2007-01.

ACTION:

Council declared Mercer-Fraser Co. the low bidder on the Jacobs Ave Lift Stations Dry Well Conversion project, and awarded Bid No. 2007-01 to Mercer-Fraser Co for the amount of \$225,000 and approve \$260,000 for construction, which includes a contingency of approximately 15%.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. City Engineer Agenda Item 15

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Addendum #1 to the Supplemental Program EIR for the Enterprise Zone

Extension Application (SCH# 1985050701) for the 2006 Enterprise Zone

Project.

ACTION:

Council adopted Resolution No. 2007-15 "Resolution of the City Council of the City of Eureka adopting and making findings as to Addendum #1 to the Final Supplemental Program Environmental Impact Report SCH #1985050701 for the 2006 Eureka Enterprise Zone Project and approving the project."

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Community Development Director Agenda Item 16

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Joint Resolution approving an Exclusive Right to Negotiate (ERTN) with

Humboldt County Office of Education HCOE) – 7th Street Villa.

ACTION:

The Council/Agency Board adopted Council Resolution No. 2007-16 and Agency Resolution 2007-3, a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement with Humboldt County Office of Education (HCOE) to develop affordable housing on Agency-owned parcels (APN's 001-253-010, 001-253-011 & 001-253-012) located within the City of Eureka, and authorized the execution of an Exclusive Right to Negotiate Agreement between Humboldt County Office of Education (HCOE) and the City of Eureka Redevelopment Agency.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Redevelopment & Housing Director

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Joint Resolution approving an Exclusive Right to Negotiate (ERTN) with

Center for Environmental Economic Development (CEED).

ACTION:

County of Humboldt

City of Eureka

The Council/Agency Board adopted Council Resolution No. 2007-17 and Agency Resolution 2007-4, a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an Exclusive Right to Negotiate Agreement with the 501(c)(3) tax exempt, non-profit Center for Environmental Economic Development (CEED), to develop an environmental technology hostel on a portion of an Agency-owned parcel (APN 002-241-011, known as the Halvorsen Site) located within the City of Eureka, and authorized the execution of an Exclusive Right to Negotiate Agreement between CEED and the City of Eureka Redevelopment Agency. Upon formation of the CEED "Successor Entity" direct staff to come back to Council with a new ERTN request.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)

) ss.

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Redevelopment & Housing Director

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Joint Resolution approving an Exclusive Right to Negotiate (ERTN) with

Pierson & DeBeni - Waterfront Hotel.

ACTION:

Redevelopment and Housing Director Cindy Trobitz-Thomas provided a report. The following individuals addressed the council regarding this subject matter: Kaye Strickland Richard Tollison Greg Pierson, Eureka

The Council/Agency Board adopted Council Resolution No. 2007-18 and Agency Resolution 2007-5, a Joint Resolution of the City Council of the City of Eureka and Eureka Redevelopment Agency approving an 180 day Exclusive Right to Negotiate Agreement with Gregory E. Pierson and Larry A. DeBeni to develop a mid-scale lodging facility such as the Hampton Inn or its equivalent on Agency-owned parcel (APN: 003-062-027) located within the City of Eureka, and authorized the execution of an Exclusive Right to Negotiate Agreement between Gregory E. Pierson and Larry A. DeBeni and the City of Eureka Redevelopment Agency.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

MINUTE ORDER, APRIL ITEM: 19 PAGE: 2	_ 17, 2007	
STATE OF CALIFORNIA County of Humboldt City of Eureka	A)) ss.)	
the foregoing to be a true	O SIMMONS, City Clerk of the City of Eu and correct copy of the original made in the ncy as the same now appears of record in	e above entitled matter
	IN WITNESS WHEREOF, I have here affixed the seal of the City of Eureka or	•
	KATHLEEN L. FRANCO SIMMONS CITY CLERK	
Originating Dept. Red	evelopment & Housing Director	Agenda Item 19

MINUTE ORDER

Certified copy of	portion of	proceedings.	Meeting of	April 17,	2007.

SUBJECT: Utility User Tax Ordinance.

ACTION:

Finance Director Valerie Warner provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council waived reading, read by title only, and adopted Bill No. 766-C.S., Ordinance No. 711-C.S., an ordinance amending Chapter 35 of the Eureka Municipal Code relating to the Utility Users' Tax.

Adopted on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Finance Director Agenda Item 20

MINUTE ORDER

Certified copy of	portion of	proceedings.	Meeting of	April 17, 2007
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SUBJECT: Access Humboldt update and progress report regarding implementation of City's cable TV franchise with Suddenlink.

ACTION:

City Manager David Tyson provided a report. Access Humboldt Executive Director Sean McLaughlin and AH Board Member Jan Kraepelien provided an update and progress report regarding implementation of the City's cable TV franchise with Suddenlink.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L.	FRANCO SIMMONS	
CITY CLERK		

Originating Dept. City Manager Agenda Item 21

MINUTE ORDER

Certified copy of	portion of	proceedings.	Meeting of	April 17,	2007

SUBJECT: Tree-lined City resolution.

ACTION:

City of Eureka

Councilmember Kerrigan and Keep Eureka Beautiful Chair, Michele McKeegan, provided a report. The following individual addressed the council regarding this subject matter: Jessica Bigger

Council adopted Resolution No. 2007-19 to re-adopt Resolution No. 2002-04, first adopted January 15, 2002, titled: "Resolution of the Council of the City of Eureka establishing the City of Eureka as a Tree-lined City."

Adopted on motion by Councilmember GLASS, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on April 18, 2007.

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Councilmember Kerrigan Agenda Item 22

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Extension of the meeting curfew.

ACTION:

City of Eureka

Due to the passing of the 10:00 p.m. curfew, on motion by Councilmember JONES, seconded by Councilmember GLASS, and the following vote, Council took action to extend the meeting to complete the remaining items:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFORNIA)
County of Humboldt) ss.

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Eureka Redevelopment Agency Non-profit Revolving Loan Fund Policy.

ACTION:

Redevelopment and Housing Director Cindy Trobitz-Thomas provided a report. The following individual addressed the council regarding this subject matter: Richard Tollison, Eureka

On motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote, Council approved the Redevelopment Advisory Board recommendation to not establish a separate Loan Policy for Non-Profits.

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE ABSENT: NONE ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. Redevelopment and Housing Director

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: Report on Residential Recovery Facilities Conference attended in March 2007.

ACTION:

Special Projects Manager Gary Bird provided a report on a recent conference attended by staff concerning over-concentration of group homes and treatment facilities in California cities and neighborhoods. The following individuals addressed the council regarding this subject matter:

Xandra Manns Ruth Jameson, Eureka Linda Benko, Cutten Nancy Myers, Eureka

On motion by Councilmember KERRIGAN, seconded by Councilmember GLASS, and the following vote, Council received the report on a recent conference attended by staff concerning over-concentration of group homes and treatment facilities in California cities and neighborhoods, and directed staff to provide letters in support of State legislation seeking to address concerns of California cities about over-concentration of group homes and treatment facilities.

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
STATE OF CALIFOR

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

Agenda Item 24

KATHLEEN L. FRANCO SIMMONS	_
CITY CLERK	

Originating Dept. City Manager

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 17, 2007.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- "No Ivy Day" at Sequoia Park Saturday, May 5th
- Redwood Empire Division meeting, April 27, Benbow Inn
- Legislative action days, May 16-17, Sacramento

STATE OF CALIFORNIA)
County of Humboldt) ss
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>

KATHLEEN L. FRANCO SIMMONS CITY CLERK

Originating Dept. City Manager

MINUTE ORDER

Certified copy of portion of	proceedings. Meeting of <u>April 17, 2007</u> .
SUBJECT: Adjournment	
ACTION:	
On motion by Councilmemble objection, the meeting was	per GLASS, seconded by Councilmember JONES, and without adjourned at 10:24 p.m.
STATE OF CALIFORNIA County of Humboldt City of Eureka)) ss.)
the foregoing to be a true ar	SIMMONS, City Clerk of the City of Eureka, do hereby certify and correct copy of the original made in the above entitled matter by as the same now appears of record in my office.
	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on <u>April 18, 2007.</u>
	KATHLEEN L. FRANCO SIMMONS CITY CLERK